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Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Universal Periodic Review*

The Universal Periodic Review (UPR) mechanism was established 11 years ago. Two rounds of the UPR have been already finished and, it is time to review this mechanism and, if needed, make revisions to it.

So far, the human rights situation in all member states of the United Nations has been reviewed twice, and according to a report by the UN High Commissioner for Human Rights, all those countries have cooperated with the mechanism. Therefore, one can claim that this mechanism has enjoyed full cooperation of all member states of the United Nations.

During the first two reviews, a total of 57,000 recommendations have been offered by various countries and 55 percent of those recommendations has been accepted by the States under Review. According to reports presented by countries during the second human rights review, some 19 percent of those recommendations have been implemented at a high level.[1]

Despite the fact that the UPR mechanism has achieved many of its primary goals, there are still challenges, which have caused problems for the achievement of the main goals of this mechanism, namely, promoting human rights through encouraging dialogue and interaction between states and non-state actors at international level. Without a doubt, overcoming these challenges will not be possible without being fully aware of their diverse aspects.

Challenges facing the Universal Periodic Review mechanism

A) Inadequacy of Technical and Contextual Discussions

The UPR mechanism is trying to promote situation of human rights through encouraging human rights dialogue among countries. However, the time allocated to review of each country by the UPR Working Group is no more than about 3.5 hours, during which no accurate scientific and contextual discussions can be expected to take place. Therefore, most discussions in the sessions are limited to political matters and there is less time to focus on technical solutions to the human rights challenges and result oriented discussions.

B) Limited Time Given to Governments to Speak

The time allocated to each government in the Human Rights Council sessions in the interactive dialogue with the State under Review is quite limited. Every State Party has only two minutes to raise questions or offer recommendations to the State under Review. This limited time restricts the ability of the recommending states to comment on the situation of human rights in the State under Review. Since about sixty, and sometimes fewer, states are able to deliver a speech during the aforesaid three-hour session, the time limit harms universality of the country review in the UPR session.

C) Politicization

Since the interactive dialogue conducted through the Universal Periodic Review is an interstate dialogue, political lobbies can shift the focus from more emphasis on human rights. Assigning a more active role to non-governmental organizations, by allocating them more time, will enable such organizations to offer their views in the form of oral statements and this can be a solution to avoid politicization of the UPR process.

D) Absence of a suitable mechanism to assess implementation of recommendations

Although recommendations have been the most important achievement of this mechanism and must be implemented by the State under Review, so far, no suitable mechanism has been devised to assess the extent to which those recommendations have been implemented.

E) General nature and repetitiveness of recommendations

Another point is the general nature of recommendations offered by various countries. While some recommendations encourage technical assistance and engagement of the State under Review in best practices, some other

[1] www.upr-info.org

recommendations are so general that seem to be incompatible with the goals of the UPR. General recommendations prevent any effective measure by the State under Review because assessing their implementation is also difficult. Meanwhile, lack of coordination among governments has sometimes led to repetition of some recommendations.

F) Membership of Serious human Rights Violators in the Human Rights Council

Another challenge facing the Human Rights Council is membership of the states, which are known for having committed the worst kind of human rights violations. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), nine state parties to this Council, including Saudi Arabia, have been involved in violence against individuals who have been cooperating with the United Nations on human rights issues.

Recommendations:

The Organization for Defending Victims of Violence (ODVV), as an active nongovernmental organization in areas related to human rights, has been taking active part in UPR and has been constantly a witness to achievements and challenges of the mechanism. Therefore, it draws the attention of the Human Rights Council to major challenges that face this mechanism, because if the challenges are not overcome, the Human Rights Council may distance from its goals, as was the case with its predecessor, the United Nations Commission on Human Rights (UNCHR).

The following recommendations are offered in this regard:

- Prevent the time allocated to each government from being spent on insignificant issues, which stem from political considerations.
- The time allocated to nongovernmental organizations must be increased in order for more nongovernmental organizations to be able to offer their views when a country is under review. At the same time, a more active role must be assigned to such organizations.
- A mechanism must be devised to encourage the Working Group's sessions to focus more on technical solutions for human rights challenges, as is the case with other mechanism, such as the Special Procedures.
- The Human Rights Council must urge governments to avoid voting for continued membership of those states, which have the most serious records in human rights violations.
- The Human Rights Council should support the Universal Periodic Review, so that, in the cases in which countries are obligated to answer to and effectively cooperate with the UPR, other parallel mechanisms be side lined.
- A resolution must be formulated and adopted with regard to obligation of states to offer technical and useful recommendations away from political considerations. This can be an effective step to prevent politicization of the UPR mechanism by countries, which is currently one of the main challenges facing the mechanism.

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*Pouya Institute for Communications and Social Development, an NGO without consultative status, also shares the views expressed in this statement.